

Wessinger-Hill, JoAnne

292645

From: McGrath, Mindy L. <MMcGrath@mcguirewoods.com>
Sent: Wednesday, July 8, 2020 6:42 PM
To: Wessinger-Hill, JoAnne
Cc: Hammonds, Lessie; Bruce.Barkley@piedmontng.com; Nelson, Jeff; Dover, Becky; Grube-Lybarker, Carri; Jeffries, James H. IV; McPherson, T. Richmond III; Hall, Roger; Erskine, Randy
Subject: [External] Re: DN 2020-4-G

The order of Piedmont's witnesses will be as follows: MaryBeth Tomlinson, Todd Breece, and then Jeff Patton. Thank you,

Mindy

On Jul 8, 2020, at 6:30 PM, Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov> wrote:

****EXTERNAL EMAIL; use caution with links and attachments****

Folks:

Since there are corrections to the pre-filed testimony, the Commission wants to proceed in the customary way of going through each witness with their summary and any corrections. No introduction of pre-filed testimony or exhibits as a preliminary matter. Just settlement agreement (with brief explanation) and request for it to be Hearing Exhibit No. 1 as a preliminary matter. Testimony Corrections need to be filed in DMS so the public has them also and such corrections need to be submitted in writing.

Thank you for the order of witnesses. Piedmont, if you know your witness order, it will be helpful.

Jo Anne

From: Hammonds, Lessie <lhammonds@ors.sc.gov>
Sent: Wednesday, July 8, 2020 4:07 PM
To: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>; Bruce.Barkley@piedmontng.com; Nelson, Jeff <jnelson@ors.sc.gov>; Dover, Becky <BDover@scconsumer.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; jjeffries@mcguirewoods.com; mmcgrath@mcguirewoods.com; rmcpherson@mcguirewoods.com; Hall, Roger <RHall@scconsumer.gov>
Cc: Erskine, Randy <Randy.Erskine@psc.sc.gov>
Subject: RE: DN 2020-4-G

Dear Jo Anne,

As to order of witnesses, ORS will first call Michael Seaman-Huynh, then Daniel Sullivan.

I have spoken with Mindy, and we would like to confirm whether we will be allowed to move all prefiled testimony and exhibits into the record as a preliminary matter. If so, we will then, in our own turn,

introduce the witness on the stand and affirm the witness prepared his/her own testimony. Of course Mindy would have Mr. Patton explain the corrections to his testimony once he is on the stand.

If the Commission prefers otherwise, we will not ask for the testimony to be admitted as a preliminary matter and would proceed in the customary way of going through with each individual witness.

Please let us know.

Thank you,
Lessie

From: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Sent: Wednesday, July 8, 2020 2:32 PM

To: Bruce.Barkley@piedmontng.com; Nelson, Jeff <jnelson@ors.sc.gov>; Dover, Becky <BDover@scconsumer.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; [jjeffries@mcguirewoods.com](mailto:jieffries@mcguirewoods.com); Hammonds, Lessie <lhammonds@ors.sc.gov>; mmcgrath@mcguirewoods.com; rmcpherson@mcguirewoods.com; Hall, Roger <RHall@scconsumer.gov>

Cc: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>; Erskine, Randy <Randy.Erskine@psc.sc.gov>

Subject: DN 2020-4-G

Dear Parties:

In follow up to the Virtual Test Run conducted on Tuesday, July 7, 2020, please check your email for an invitation to participate tomorrow via WebEx (for attorneys) and/or Segra or Skype for any and all witnesses per Randy Erskine's instructions from yesterday (which required some registration in advance of the hearing even though that was not necessary for testing purposes). A copy of the most recent Virtual Hearing Form is attached. There have been no changes since Tuesday, July 7th. Mr. Erskine was inquiring on the status of the "Skype Account Addresses" for the two ORS witnesses this morning. The ORS response regarding that request was sent to him; however, ORS is asked to directly contact Mr. Erskine about skype addresses.

Attorneys you are responsible for presenting your case and your witnesses, which includes reminding each witness to close their "video camera" on their computer screen once they are advised to step down from the witness stand by the Chairman during the hearing once their testimony and any question is complete.

Attorneys are asked to waive their hand or a piece of paper when objecting or seeking to interject comments during the course of the

virtual hearing proceeding so that the interjecting attorney is quickly seen by the Chairman, presiding officer, and Commissioners on screen. If you are called upon by the Chairman to address or comment, this is not necessary. It is necessary when you want to be called upon by the Chairman to comment, object, or otherwise which you would normally otherwise do in physical person by standing up or speaking up in the hearing room to get the attention of the Chairman or presiding officer.

There were questions concerning the order of the hearing. It will be conducted just as if the parties were physically in person in the Commission's hearing room. I have attached a few examples of the typical process - one handling corrections to pre-filed testimony and another of a virtual hearing witness process. This is the general procedure which is also outlined below (but subject to change and adjust as needed by the Commission during the course of the hearing to provide due process and develop the underlying record for the Commission to base any decision):

- (1) **Gather prior to the hearing (at 9:00 a.m. virtually) ready with all witnesses to present case when Hearing called to order by the Chairman.** This means that all parties and their witnesses must virtually appear on their respective computers/telephones at 9:00 a.m. Mr. Erskine will have already sent an email or otherwise communicated with you. If he has not or you have not received any email since the Test Run on July 7th was concluded yesterday, please contact him and check your spam. Mr. Erskine can be reached at 803-896-5100 or 803-896-5104 and his email is Randy.Erskine@psc.sc.gov.
- (2) **Advise the Staff Attorney (Mrs. Hill) of any preliminary matters.** Currently, the only preliminary matters discussed with all on July 7th were (1) the Settlement Agreement; and (2) non-substantive corrections to pre-filed testimony. Any changes or corrections need to be provided in writing prior to the hearing. You can submit your errata sheets or corrections by pre-filing them prior to the hearing and by providing a courtesy

copy to all parties. Any changes or corrections should have been discussed or examined by the opposing party(s) prior to submission. Please advise of any consent or disagreement/objection to correction. Any corrections or errata sheets to pre-filed testimony must be filed no later than the date of the hearing; however, they can be filed in advance and sooner is appreciated so that everyone will have physical copy available. Also, the parties have agreed to submit a proposed order no later than Thursday, July 16, 2020 (close of business). It can be a joint submission on behalf of Piedmont and the ORS or individual orders can be proposed by each party. Advise of witness order.

- (3) Once the **hearing is called to order at 10:00 a.m.** by the Chairman of the Commission, this is the following general order:
 - a. Call to Order
 - b. Reading of the Docket
 - c. Roll call of the Commissioners
 - d. Appearances (counsel introductions and party's represented)
 - e. Preliminary matters
 - i. Piedmont and/or ORS advise of settlement; outline settlement terms/details; move for Settlement Agreement to be placed into the Record as Hearing Exhibit No. 1.
 - ii. Comments from other party
 - iii. Statement regarding corrections to testimony; exchanged between parties and the corrections will be addressed during the testimony of the witness (see sample transcript showing how such is normally handled)
 - f. Petitioner/Company calls first witness (see attached samples of transcripts) and witness will be sworn (the Commission will be able to clearly see the witness)
 - i. One witness at a time (computer video camera must be on). All other witnesses must be ready and on standby

to be called and ready to “cut on” or open computer video camera (buttons at bottom screen of computer).

- ii. Upon conclusion of questions, corrections, and introduction of exhibits by company, then cross examination by other party or commission (note: settlement agreement stipulates no cross examination by opposing party; thus, witness available for cross-examination or questioning from commissioners).
 - iii. Redirect (if any)
 - iv. Re-cross (if any re-direct)
 - v. Witness “steps down from witness stand” or is released and shall cut off computer video camera.
 - vi. NEXT WITNESS CALLED AND REPEAT ITEMS i.-v. ABOVE UNTIL ALL WITNESSES HEARD AND PARTY PRESENTS/CONCLUDES CASE. IF THERE IS ANY SETTLEMENT TESTIMONY, YOU WILL PRESENT THAT IN YOUR CASE FOR CONSIDERATION BY THE COMMISSION.
- g. ORS calls first witness (see attached samples of transcripts) and witness will be sworn (the Commission will be able to clearly see the witness)
- i. One witness at a time (computer video camera must be on). All other witnesses must be ready and on standby to be called and ready to “cut on” or open computer video camera (buttons at bottom screen of computer).
 - ii. Upon conclusion of questions, corrections, and introduction of any exhibits by ORS, then cross examination by other party or commission (note: settlement agreement stipulates no cross examination by opposing party; thus, witness available for cross-examination or questioning from commissioners).
 - iii. Redirect (if any)
 - iv. Re-cross (if any re-direct)
 - v. Witness “steps down from witness stand” or is released and shall cut off computer video camera.

vi. NEXT WITNESS CALLED AND REPEAT ITEMS i.-
v. ABOVE UNTIL ALL WITNESSES HEARD AND
PARTY PRESENTS/CONCLUDES CASE. IF THERE
IS ANY SETTLEMENT TESTIMONY, YOU WILL
PRESENT THAT IN YOUR CASE FOR
CONSIDERATION BY THE COMMISSION.

h. Closing Remarks, including any evidentiary matters,
motions, confirmation of exhibits and numbering, proposed
orders due date; and other matters.

(4) **Conclusion of Virtual Hearing**

I hope that this information is helpful to you. In addition to the hearing process samples, I have also attached a sample of an errata sheet or corrections in testimony which was filed recently in other dockets. You can find other examples in the Commission's DMS. You do not need to re-file the entire pre-filed testimony, but only the pages containing clearly marked corrections or errata sheet(s) so that it is clear as to what changes are being made and proposed in the pre-filed testimony.

With kind regard, I am

Jo Anne Wessinger Hill

C. Jo Anne Wessinger Hill, Esq.
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